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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER MITCHELL, JASON D	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,324	<b>Applicant(s)</b> SIMPSON, FRANKLIN FULTON	
	<b>Examiner</b> Jason Mitchell	<b>Art Unit</b> 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 18-35 and 37-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 18-35 and 37-48 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to an amendment filed on 6/30/08.

Claims 1, 18-35 and 37-47 are pending in this application.

### ***Response to Arguments***

**Applicant's arguments filed 6/30/08 have been fully considered but they are not persuasive.**

In the first full par. on pg. 10, the applicant states:

Claim 1 was rejected over Viswanath. Claim 1 requires "wherein an administration server contains a copy of all sharable MBeans located in the management domain." The Office Action cited Viswanath Fig. 3, which shows generated managed beans 212. However, Figure 3 does not show an administration server containing a copy of all sharable MBeans located in the management domain.

The examiner respectfully disagrees. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Specifically, the applicant has not indicated a perceived distinction between the claimed "sharable MBeans" and Viswanath's MBeans nor has the applicant indicated sharable MBeans located in the management domain which are not stored on the server shown in fig. 3. Accordingly, the applicant's arguments are not persuasive and the rejection is maintained.

In the 2<sup>nd</sup> full par. on pg. 10, the applicant states:

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Claim 1 requires that the "scope of an MBean is a set of locations at which the MBean is available, and an MBean is not available to servers located outside the MBean's scope." The Office Action argued that "'scope' is an inherent feature of any MBean, and for that matter any object." Under MPEP 2112, the Office Action must provide a rationale or evidence to show inherency. The MPEP requires the Examiner to provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. See *Exparte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Office Action's assertion of inherency did not meet the requirements of the MPEP and case law. The Office Action's reliance on inherency for rejecting Claim 1 was improper.

The examiner respectfully disagrees. In the last par. on pg. 3 of the previous action the examiner provided a factual basis sufficient to support the use of the word "inherent". Specifically, any bean will be accessible from some locations (e.g. the server on which it is installed) and not others (e.g. another server which cannot communicate with the first server) and thus necessarily has a 'scope' (e.g. the server on which it is installed). Further the examiner notes that the claim as written does not recite setting the scope of the MBean or that an indication of the scope is somehow stored within the MBean as recited in claim 40, thus any MBean which is available from a server (see e.g. Viswanath col. 2, lines 37-40) meets the claimed limitation. Accordingly, the applicant's arguments are not persuasive and the rejection is maintained.

In the 1<sup>st</sup> par. on pg. 11, the applicant states:

The Office Action argued that "those of ordinary skill in the art would have recognized the cited 'get' and 'set' methods as providing a direct access to attributes and operations of the custom MBean and thus as anticipate the claimed MBean stub." A 'get' method is an operation that is called to access information stored in a specific attribute. A 'set' method is an operation that is called to modify information stored in a specific attribute. Those of ordinary skill in the art would not recognize 'get' and 'set' methods as anticipating stubs.

The examiner respectfully disagrees. First the applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Secondly, in par.

[0031] of the specification as filed, the applicant discloses

Custom MBeans may be accessed through typed MBean stubs. An MBean stub is a higher level method provided by the management system of the present invention. In one embodiment of the present invention, an MBean stub provides a reference to a Java object, where the java object implements an interface that is specific to a custom MBean. Thus, a stub provides a user with a reference to a custom MBean interface, thereby effectively providing direct access to attributes and operations of the custom MBean in a type-safe manner. The interface is represented as a class file in the MJF. All MBeans created with the MBean generation tool have the static interface and may be accessed through typed stubs. Stubs may be generated dynamically at runtime.

It is not clear why Viswanath's "get" and "set" methods would be considered distinct from this disclosure. Specifically, Viswanath's methods "provide[] direct access to attributes and operations of the custom MBean" and thus reasonably fall within the breadth of the 'type MBean stub' recited in claim 23.

Further, note that Viswanath's methods provide a reference to a java object which implements an interface specific to the MBean (e.g. col. 10, lines 44-45 "implement the constraints on the data elements defined in the meta-information"). Still further, Viswanath's "generator mechanism 224" generates the beans at run-time as recited in claim 24 (col. 10, lines 51-54 "generator mechanism 224 may generate a bean 250"; also see Abstract "dynamic administration framework").

In the last par. on pg. 12, the applicant states:

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Claim 40 requires "wherein the scope is specified in the MBean definition file." The Office Action conceded that Viswanath does not disclose that the scope is specified in the MBean definition file. However, the Office Action asserted that Johnson (U.S. Patent No. 6,788,980) could be combined with Viswanath to reject Claim 40 under 35 U.S.C. 103(a). Johnson describes an object location service that, at col. 23, lines 17-18, "supports the implementation of naming scopes, i.e. limiting the visibility of names." Johnson does not, however, suggest that the scope is specified in the MBean definition file.

The examiner respectfully disagrees. Initially it is noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Viswanath discloses an MBean definition file (col. 15, lines 5-9 "The meta-information 226"), Johnson teaches specifying a scope (col. 23, lines 17-18 "supports the implementation of naming scopes"). It would have been obvious to include a 'scope' value in the meta information described by Viswanath (col. 15, lines 5-9) to define the "visibility" of the generated beans (see Johnson col. 23, lines 17-18 "limiting the visibility of names"). Further, the combination would have produced only the expected results.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 18-28, 34-35, 37-39, 43-44 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by US 7,206,827 to Viswanath et al. (Viswanath).**

**Regarding Claims 1:** Viswanath discloses a computer-readable medium containing instructions stored thereon, wherein the instructions comprise:

receiving an MBean definition file in an XML format (col. 15, lines 33-35 “a meta-information file may be generated by users”; col. 20, lines 9-10 “the management beans 212 generated ... may be MBeans”; col. 3, lines 41-43 “XML by be used ... for the meta-information”);

generating an MBean jar file from the MBean definition file (col. 10, lines 3-5 “deployed applications may be stored ... as jar files”), wherein the MBean jar file includes a tag for the MBean and a tag for each attribute, operation, and potential notification issued by the MBean (col. 9, lines 14-20 “meta-information 226 ... includes descriptions of elements or properties, and there attributes, of the persistent store”);

placing the jar file in a predetermined directory within a managed server in a management domain (see the Table in col. 10; col. 20, lines 9-10 “the management beans 212 ... may be MBeans”; Note that MBeans contain a ‘persistLocation’ descriptor field indicating The fully qualified directory where files representing the MBean should be stored.), wherein the management domain is a collection of distributed servers that are managed as a unit (see the Table in col. 10; Fig. 5, Administration server 200 and Managed beans 212A; and further see col. 12, lines 42-60 “configuration context 206

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may be used to write to multiple storages on different machines with a single operation”); and

providing a custom management capability through the MBean over the management domain (col. 19, lines 66-67 “The management beans 212 may expose the management interface to the external world”);

wherein scope of an MBean is a set of locations at which the MBean is available and an MBean is not available to servers located outside the MBean’s scope (col. 2, lines 37-40 “Components may be deployed on different servers in a network”); and

wherein an administration server contains a copy of all sharable MBeans located in a management domain (Fig. 3, Generated managed beans 212).

Further, as noted in the response to arguments section the limitation stating “the management domain is a collection of distributed servers” is understood to be directed to “a collection of [two or more] distributed servers”.

**Regarding Claim 18:** Viswanath discloses the custom management capability tracks changes to MBeans throughout the system (col. 4, lines 46-50).

**Regarding Claim 19:** Viswanath discloses each server node has an MBean server (Fig. 2, Administration Server 200).



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**Regarding Claim 20:** Viswanath discloses the custom management capability provides an API for providing management services in the management domain (col. 19, lines 66-67).

**Regarding Claim 21:** Viswanath discloses the custom management capability is customized by a user by adding schema attributes and extended persistence features (col. 12, lines Configuration API 222 functionality may include ... change management (e.g. add, update, delete, set)”; col. 14, lines 22-24 “meta-information 226 file may be generated by users ... the framework generator 224 may generate ... components”).

**Regarding Claim 22:** Viswanath discloses the custom management capability is packaged as a framework with multiple MBeans, which a security provider can extend (col. 5, line 55 “dynamic administration framework”; col. 15, lines 31-41 “the users may represent the configuration information in a meta-information file”).

**Regarding Claims 23-25:** Viswanath discloses an MBean is accessed through a dynamically generated type MBean stub providing access to a java object (col. 10, lines 29-50).

**Regarding Claim 26:** Viswanath discloses a factory model is provided for creating MBean instances (col. 12, lines 19-23 “factory for creating the beans”).

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**Regarding Claim 27:** Viswanath discloses MBean delegates are derived from an existing MBean (col. 17, lines 10-12 “the configuration beans 210 may inherit from a common class”).

**Regarding Claim 28:** Viswanath discloses MBeans that are declared to be persistent are automatically saved to a repository (Fig. 2, Persistent Store 204).

**Regarding Claim 34:** Viswanath discloses a local MBean server handles read attribute requests and MBean creation and deletion requests for server specific MBeans (col. 17, lines 36-39 “API 222 may provide a generic interface to manage (e.g. create, read ... write and/or delete) ... the generated configuration beans 210”).

**Regarding Claim 35:** Viswanath discloses an MBean Server Proxy routes read access to an appropriate server and MBean instance within the appropriate server and routes write accesses to the corresponding MBean instance on the administration server (Fig. 1A, Web Server 104; Application Server 108A-B).

**Regarding Claim 37:** Viswanath discloses changes to an MBean are propagated from an administration server to all servers within the scope of the MBean (col. 16, lines 4-18 “changes may be ... set to one or more other application servers 202”).

**Regarding Claim 38:** Viswanath discloses applications and servers must go to a particular server to read a server-specific MBean (col. 15, lines 17-18 “In one embodiment, user applications may not be deployed to an administration server 200”).

**Regarding Claim 39:** Viswanath discloses all MBeans residing on a managed server are stored in the managed server's local repository (Fig. 4 Generated beans 250B-C) in addition to the administration server's repository (Fig. 4, Generated beans 250A).

**Regarding Claim 43:** The computer-readable medium of claim 36, wherein a request for a server specific MBean may be handled by any MBean server in the management domain (col. 16, lines 53-57 “the generated administration framework may provide a unified view and access ... to administration information”).

**Regarding Claim 44:** Viswanath discloses accessing a server specific MBean is performed through a logical canonical server corresponding to a managed server that the server specific MBean resides upon (col. 15, lines 63-65 “The administration framework may provide a single point of access for core server, administration and application configuration”).

**Regarding Claim 48:** Viswanath discloses an administration server handles attribute writes and MBean creation and deletion requests for sharable MBeans (col. 17, lines

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36-39 “API 222 may provide a generic interface to manage (e.g. create, read ... write and/or delete) ... the generated configuration beans 210”).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,206,827 to Viswanath et al. (Viswanath) in view of US 5,212,784 to Sparks (Sparks).**

**Regarding Claim 29:** Viswanath discloses MBeans are stored in separate files (col. 10, lines 3-6 “applications may be stored ... as jar files”) but does not disclose MBeans are shadowed for failsafe writes.

Sparks teaches files that are shadowed for failsafe writes (col. 6, lines 47-49 “The primary controller 2 continues to mirror or shadow data”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to shadow Viswanath’s stored MBeans “If additional reliability and security are desired” (Sparks col. 6, lines 39-43).

**Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,206,827 to Viswanath et al. (Viswanath) in view of official notice.**

**Regarding Claims 30-33:** The claims recite including various specific data in the tags.

Official Notice is taken that each of the datum were known and used in the art at the time of invention. Consequently, it would, at least, have been obvious to one of ordinary skill in the art at the time the invention was made to include this data in Viswanath's tags in order to provide access to the data so that it can be accessed and used in the art recognized manner.

**Claims 40-42 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,206,827 to Viswanath et al. (Viswanath) in view of US 6,788,980 to Johnson (Johnson).**

**Regarding Claims 40-42:** Viswanath discloses properties of an MBean may be specified in the definition file (col. 15, lines 5-9 "The meta-information 226 may be used ... to generate components"), upon creation (col. 15, lines 33-35 "a meta information file may be generated by users") and in an information structure (col. 15, lines 1-3 "all elements or properties of the persistent store 204 may be represented in one meta-information 226 file") but does not explicitly define one of these properties as a scope.

Johnson discloses managed objects with scope properties (col. 23, lines 17-18 “supports the implementation of naming scopes, i.e., limiting the visibility of names”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include scope as one of the properties specified by Viswanath in order to support the implementation of naming scopes as taught by Johnson (col. 23, lines 17-18).

**Regarding Claim 45:** Viswanath discloses requesting an MBean (col. 19, lines 20-23 “a query mechanism”) but does not disclose when a request is received for an MBean not available on a MBean server, the MBean server calls a method that returns a list of MBeans in a management domain or a specific subset of the management domain.

Johnson teaches in response to a request, returning a list of MBeans in a management domain or a specific subset of the management domain (col. 23, lines 17-18 “rule based specification of the name delimiting character; locates an object based on a “longest fit” because (a) not all parts of an object name are globally known”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to in response to a request return a list of partial matches to Viswanath’s

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query (col. 19, lines 20-23) because “not all parts of an object name are globally known” (Johnson col. 23, lines 17-18).

**Regarding Claim 46:** Viswanath discloses the MBean server uses user-provided information including a provided object name pattern to qualify a search of the list of MBeans in the management domain (col. 19, lines 20-23 “a query mechanism may be provided that uses a query language to access the persistent store 204”).

**Regarding Claim 47:** Viswanath discloses an administration server contains a list of server specific MBeans in addition to shared MBeans (col. 16, lines 53-57 “a unified view and access”).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2004/0107417 discusses generation of “MBean interface stubs” (see e.g. par. [0222]).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Mitchell whose telephone number is (571) 272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic



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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Mitchell/

Jason Mitchell

10/5/08

/Lewis A. Bullock, Jr./

Supervisory Patent Examiner, Art Unit 2193